

**UNITED STATES DISTRICT COURT**  
 for the  
**Eastern District of Texas**

CAPELLA PHOTONICS, INC.

) ) ) ) )

*Plaintiff(s)*

v.

Civil Action No. 2:20cv77-JRG

INFINERA CORPORATION, TELLABS, INC.,  
 TELLABS OPERATIONS INC., CURIANT AMERICA  
 INC., and CURIANT (USA) INC.,

) ) ) ) )

*Defendant(s)*

)

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)* INFINERA CORPORATION  
 c/o NATIONAL REGISTERED AGENTS, INC.  
 1999 BRYAN ST STE 900  
 DALLAS, TX 75201-3140

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Charles Everingham IV  
 Ward, Smith & Hill, PLLC  
 PO Box 1231  
 Longview, Texas 75606  
 (903) 757-6400

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 3/23/20*CLERK OF COURT*
*Signature of Clerk or Deputy Clerk*

Civil Action No. 2:20cv77-JRG

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

*Server's signature**Printed name and title**Server's address*

Additional information regarding attempted service, etc:

**AFFIDAVIT OF SERVICE**

UNITED STATES DISTRICT COURT  
Eastern District of Texas

Case Number: 2:20-CV-00077-JRG

Plaintiff:  
**Capella Photonics, Inc.**

vs.

Defendant:  
**Infinera Corporation, et al.**

For: Ward, Smith & Hill, PLLC

Received by ATX Process, LLC on the 23rd day of March, 2020 at 12:04 pm to be served on Infinera Corporation c/o National Registered Agents, Inc., 1999 Bryan St., Suite 900, Dallas, Dallas County, TX 75201, I, Calib Malone, being duly sworn, depose and say that on the 24 day of March, 2020 at 1:05 P.m., executed service by delivering a true copy of the **Summons in a Civil Action, Plaintiff's Complaint for Patent Infringement, Civil Cover Sheet, and Exhibits A and B** in accordance with state statutes in the manner marked below:

CORPORATE SERVICE: By serving Terri Thompson (individual accepting) as in-house specialist (title), at 1999 Bryan St, Suite 900 (street), Dallas (city), Texas (state) 75201 (zip code) Dallas (county).

PUBLIC AGENCY: By serving \_\_\_\_\_ (individual accepting) as \_\_\_\_\_ (title) of the within-named agency at \_\_\_\_\_ (street),  
\_\_\_\_\_ (city), \_\_\_\_\_ (state) \_\_\_\_\_ (zip code) \_\_\_\_\_ (county).

SUBSTITUTE SERVICE: By serving \_\_\_\_\_ (individual accepting) as \_\_\_\_\_ (relationship/title) at \_\_\_\_\_ (street),  
\_\_\_\_\_ (city) \_\_\_\_\_ (state) \_\_\_\_\_ (zip code) \_\_\_\_\_ (county).

GOVERNMENT AGENCY: By serving \_\_\_\_\_ (individual accepting) as \_\_\_\_\_ (title) of the within-named agency at \_\_\_\_\_ (street),  
\_\_\_\_\_ (city), \_\_\_\_\_ (state) \_\_\_\_\_ (zip code) \_\_\_\_\_ (county).

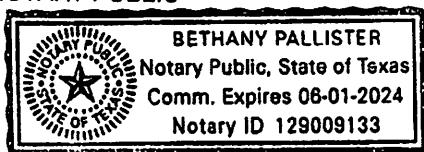
NON SERVICE: For the reason detailed in the comments below.

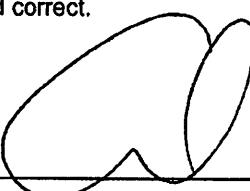
COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I certify that I am over the age of 18, have no interest in the above action, and have the proper authority in the jurisdiction in which this process was delivered. The facts in this affidavit are within my personal knowledge and true and correct.

Subscribed and sworn to before me on the 24  
day of March, 2020 by the affiant  
who is personally known to me.

Beth Paller  
NOTARY PUBLIC



  
\_\_\_\_\_  
PROCESS SERVER # 05C1574 exp 10/31/21,  
Appointed in accordance with State Statutes

ATX Process, LLC  
704 W. 9th Street  
Austin, TX 78701  
(512) 717-5600

Our Job Serial Number: 2020003312